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Technology Center 2600

ON PETITION

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SAN FRANCISCO CA 94111

In re Application of: :
T. Allan Hamilton et al :
Application No. 09/207,694 :
Filed: December 8, 1998 :
For: METHOD AND SYSTEM FOR :
DYNAMICALLY MANAGING WIRELESS :
COMMUNICATIONS SYSTEM PROTOCOLS :

This is a decision on the petition filed October 15, 2002, to withdraw the holding of abandonment. The petition is being treated pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The Notice of Abandonment was mailed October 1, 2002 for failure to file a proper reply to a Notice of Non-compliant Amendment mailed July 20, 2001.

Petitioner asserts that a proper response was timely filed on July 13, 2001 and July 30, 2001, by facsimile. In support of the petition, petitioner submits a copy of an amendment bearing a Certificate of Transmission thereon dated July 13, 2001 and retransmitted July 30, 2001; and states "the fax was sent by the undersigned on July 13, 2001 and July 30, 2001."

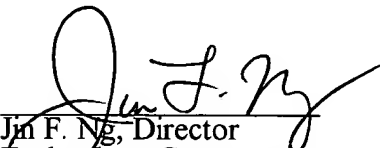
37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition complies with the requirements stated above.

Accordingly, the petition is **GRANTED**.

The Notice of Abandonment mailed on October 1, 2002 is hereby vacated and the holding of abandonment withdrawn. The application file is being forwarded to the Technology Center's support staff for entry of the copy of the amendment. Thereafter, the application file will be forwarded to the Examiner for further examination.


Jin F. Ng, Director
Technology Center 2600
Communications